

### REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicant respectfully submits that the pending claims are not anticipated under 35 U.S.C. § 102 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicant respectfully requests that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.

The applicant will now address each of the issues raised in the outstanding Office Action.

#### Objections

The title is objected to and should be amended to be more descriptive of the claimed invention. The title has been amended to be more descriptive of the claimed invention. Accordingly, the applicant respectfully requests that this objection be reconsidered and withdrawn.

#### Rejections under 35 U.S.C. § 102

Claims 1-4, 7-11 and 13-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,850,271 ("the Ichikawa patent"). The applicant

respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Before addressing at least some of the patentable features of the claimed invention, embodiments consistent with the present invention, as well as the Ichikawa patent, are introduced.

Embodiments consistent with the present invention concern obtaining a printout of an image by a printer, and in particular, concern properly reflecting settings of a camera adopted for taking a photograph to qualities of the printout in a way that reduces manual work needed to be performed by a photographer to obtain a desirable image printout.

Typically, a photographer leaves all camera setting required for taking a photograph to fully automated modes (e.g., automatic exposure setting, auto-focusing, automatic control of flash-lamp operation and so on). However, a photographer may adopt specific condition settings for controlling operation of the camera when he or she wishes to take a photograph of a quality reflecting his or her intention. In particular, the photographer may select, manually, a night scene mode, a macro-mode, a flash or no-flash setting, an exposure level adjustment setting, and a white-balance setting, etc., or the photographer may select one of a number of pre-assigned sets of settings, such as one for photographing under sunlight or one for photographing under fluorescent light, etc. For example, if a photographer selects a specific exposure level setting, this implies that he or she wants their photograph to be taken with a different exposure level than that which

would be automatically determined by the camera under normal conditions. The photograph thus taken with a specifically adjusted exposure level will not represent an image of an "appropriate" level in brightness (as judged by camera in a normal case). Rather, the brightness level of the image will reflect the photographer's subjective judgment. Such subjective judgments will vary from one photographer to another. Thus, a setting that a camera would assume to be inappropriate, may be appropriate in the subjective judgment of the photographer.

If a printer is equipped with an automatic brightness adjustment capability, when an image is printed out, the print might not reflect the intention of a photographer adopting specifically adjusted exposure level (or some other specifically adjusted setting). This is because the printer will have automatically applied image processing of a kind that offsets the effect of this specific level in the brightness when the printout is produced.

To avoid unwanted automatic correction (automatic adjustment) of image printouts, a photographer can select whether or not to activate an automatic adjustment setting each time they printout an image. As can be appreciated, however, this would be a tedious and cumbersome task. Embodiments consistent with the present invention relieve the photographer from this tedious and cumbersome task.

Embodiments consistent with the present invention configure a camera to produce a data piece that prevents a printer from activating an automatic image processing capability for a condition if the photographer

specifically adopted (a non-normal) condition setting of the camera at a time of taking a photograph. Thus, for example, if the photographer adopted an exposure control setting other than the normal exposure control setting used by the camera when taking a photograph, if the image is printed, the printer will know **not** to apply automatic processing (e.g., automatic correction/adjustment) related to exposure control.

More specifically, in a camera consistent with the present invention, if the photographer selects a condition setting of for taking a photograph, the camera automatically converts the condition setting into an instruction information piece, which is concerned with the image processing performed at the printer side. The instruction information piece is associated (if it is necessary to do so) with the image data set in a form of an attachment data piece. Since the attachment data piece may be used by the printer to avoid making an unwanted automatic adjustment or correction, the photographer is relieved of the need to set any conditions in an operation instruction to a printer.

Having introduced a problem solved by embodiments consistent with the present invention, as well as how such embodiments solve the problem, the Ichikawa patent is now introduced.

The Ichikawa patent describes storing an image data set in a manner connected with a relevant piece of printing instruction data. However, the printing instruction data is of a type that a user is required to input at the printer side. Namely, under the Ichikawa patent, a user performs **both** a condition setting of a camera when taking a photograph with the camera, **and**

later, a condition setting of a printer when generating a printout of the photograph. Thus, the Ichikawa does not operate in the same way as the present invention. In fact, it does not even solve the problem to which the present invention is directed.

Having introduced the Ichikawa patent, at least some of the patentable features of the claimed invention are now introduced. Independent claim 1, as amended, is not anticipated by the Ichikawa patent because the Ichikawa patent does not teach units for (i) storing a plurality of pieces of image forming instruction information used when an image forming apparatus forms a visible image based on the image data, (ii) selecting a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in said storing unit, based on the image capturing condition set by said setting unit, and (iii) associating the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data.

Each of independent claims 2-4 and 7, as amended, recite similar units for storing, selecting and associating/outputting. Each of independent claims 7-11 and 13, as amended, recite similar acts of selecting and associating/outputting. Finally, each of independent claims 14, 17, 20 and 21, as amended, recite similar acts of (or units for) setting (instead of selecting) and associating/outputting. Accordingly, these claims are similarly not anticipated by the Ichikawa patent. Since claims 15 and 16 depend, either directly or indirectly, from claim 14, and since claims 18 and 19 depend, either

directly or indirectly, from claim 17, these claims are similarly not anticipated by the Ichikawa patent.

Rejections under 35 U.S.C. § 103

Claims 5, 6 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Ichikawa patent in view of U.S. Patent No. 6,965,410 ("the Yamagishi patent"). The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The Examiner contends that the Yamagishi patent teaches assigning priorities to image capturing conditions and selecting pieces of information based on the assigned priorities. (Paper No. 02052006, pages 18-20.) Even assuming, *arguendo*, that the Yamagishi patent includes such a teaching, and further assuming, *arguendo*, that one skilled in the art would have been motivated to combine these patents as proposed by the Examiner, independent claims 5 and 12 would not be rendered obvious by these patents for at least the reasons discussed above in the rejection under section 102. That is, the Ichikawa patent neither teaches, nor suggests, the features discussed above, and the purported teaching of the Yamagishi patent fails to compensate for the this deficiency. Accordingly, independent claims 5 and 12 are not rendered obvious by the Ichikawa and Yamagishi patents for at least this reason. Since claim 6 depends from claim 5, it is similarly not rendered obvious by these patents.

### New claims

New claim 48 further recites that the outputting unit automatically associates the image forming instruction mode selected by said image forming instruction mode selecting unit with the image data, and outputs, to the image forming apparatus, the image forming instruction mode in association with the image data such that the image forming apparatus uses, automatically, the selected piece of image forming instruction information when forming the visible image based on the image data. This further distinguishes the claimed invention over the cited art.

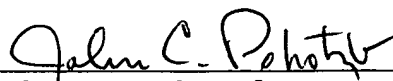
New claims 49-64 each depend from one of the pending independent claims and further recite that the image forming apparatus is a printer.

### Conclusion

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicant requests that the Examiner pass this application to issue.

Respectfully submitted,

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